

There is no question in my mind that the highly trained judges and lawyers who sit on and argue before our Nation's Federal appellate courts would continue to conduct themselves with dignity and professionalism if cameras were recording their work.

Let me note also that I believe the arguments against allowing cameras in the courtroom are least persuasive in the case of appellate proceedings, including the Supreme Court. In fact, I had the opportunity to watch the oral argument when the Supreme Court considered the constitutionality of the McCain-Feingold bill in 2003. It was a fascinating experience, and one that I wish all Americans could have. Of course, the entire country was able to hear delayed audio feeds of the two Supreme Court oral arguments in *Bush v. Gore* and the arguments on affirmative action. This allowed the public and important look at the making of decisions that affect them in a profound way. Seeing the arguments live would have been even better. I do not believe that a discreet camera in the courtroom would have changed the character or quality of the arguments one iota.

My State of Wisconsin has a long and proud tradition of open government, and it has served us well. Coming from that tradition, I look with skepticism on any remnant of secrecy that lingers in our governmental processes. Trials and court hearings are public proceedings, paid for by the taxpayers. Except in the most rare and unusual circumstances, the public is entitled to see what happens in those proceedings.

The bill that my friends from Iowa and New York have proposed is a responsible and measured bill. It gives discretion to individual Federal judges to allow cameras in their courtrooms. At the same time, it assures that witnesses will be able to request that their identities not be revealed in televised proceedings. This bill gives deference to the experience and judgment of Federal judges who remain in charge of their own courtrooms. That is the right approach.

Cameras in the courtroom is an idea whose time came some time ago. It is high time we brought it to the Federal courts. I am proud to support the Grassley-Schumer bill, and I hope we can enact it this year.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each day I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last March, a Bronx man was assaulted by a group of teenagers because

of his sexual orientation. The teenage boys allegedly jumped the man near his home on the evening of March 19, 2005. The assailants repeatedly punched and kicked the man while yelling antigay epithets.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### MEDICAL MALPRACTICE

Mr. GRASSLEY. Mr. President, one of my constituents, James W. Carney, an attorney practicing in Des Moines, IA, recently requested that I bring to the attention of my colleagues in the Senate some aspects of the medical malpractice situation in Iowa he believes should be more widely known. I ask unanimous consent that his March 30 letter to me, and his e-mail to John Whitaker, a Representative in the Iowa State House of Representatives, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARNEY, APPLEBY,  
KIELSEN & SKINNER, P.L.C.,  
Des Moines, IA, March 30, 2005.

Re medical malpractice reform.

Senator CHARLES GRASSLEY,  
Federal Building,  
Des Moines, IA.

DEAR SENATOR GRASSLEY: I was just listening to WHO and heard your comment that if we had medical malpractice reform we wouldn't have to perform all the tests that are unneeded. As a supporter of yours going back to the days when you were in the Iowa Capitol, I cry foul. I am attaching an email which we sent to all members of the Iowa Legislature.

I would request that you make known to the US Senate the true facts of what is going on in real Iowa—real America.

Malpractice cases are down 29.6% over the last three years. Civil filings are down in the state of Iowa. Civil jury trials are down in the state of Iowa. There were only 22 malpractice cases tried in the entire state of Iowa last year. Verdicts are down.

Meanwhile, guess what? Our physicians are having their malpractice premiums increased by 10, 15 and 20%. It is ridiculous to blame lawyers.

Doctors perform tests because they believe it is the best patient care and the tests are necessary. I have yet to talk to a doctor who is willing to admit that the only reason they perform a test is because they fear they are going to be sued or it might be malpractice. Doctors perform tests because their patients deserve the best medical care they can give them. I believe they are motivated from an altruistic point of view and they truly care about their patients. I have heard it said many times that it might also be in their best financial interest to order tests, as they obviously get paid for the services. Blaming Iowa lawyers for unnecessary medical tests is like blaming a farmer for drought or floods. I am attaching the civil filing statistics from the Supreme Court of the State of Iowa. I hope these come in handy for your reference the next time you are asked about

malpractice. You have always been a very no-nonsense guy and a person driven by the facts. These are the facts. As my mentor, Mr. Jones, used to say "end of report".

Thank you for your good service in the US Senate, but I sure hope this information may help you on the issue of medical malpractice. In my home town of Centerville, I can assure you the number one issue for doctors is Medicaid-Medicare reimbursement—not malpractice. The second major issue for them is lifestyle and the fact that they have very few nights and/or weekends off. The third issue is culture and/or the lack of such. Way down the list malpractice, because there has never even been a malpractice case filed in approximately half the counties in Iowa.

Sincerely yours,

JAMES W. CARNEY.

Although you hear all types of stories about lawsuits and anecdotal stories about litigation, you should know what the facts are here in Iowa. It is the farthest thing from the truth to argue that Iowa is a litigious state. Consider the following:

Fact 1: Medical malpractice lawsuits are down 29.6% over the last three years.

Fact 2: According to the National Association of Insurance Commissioners own reporting, Iowa has one of the lowest loss experiences in the United States. Medical malpractice insurance companies collected over \$60 million in premiums from Iowa physicians and paid out \$41 million for direct losses, defense and cost containment expenses. The Iowa loss ratio is 67.64%, one of the lowest in the country.

Fact 3: Independent rating services substantiate that capping recoveries will not have any effect on insurance premiums or the availability of insurance.

Fact 4: Iowa has already adopted significant tort reform measures, and because of this, is rated as having one of the most reasonable and fair litigation systems in the United States by the U.S. Chamber of Commerce.

Iowa's civil justice system, conservative jurors and low verdicts are not the cause of high insurance rates for Iowa physicians. Caps on non-economic damages will not do anything to help Iowa physicians obtain lower insurance premiums. Caps will hurt innocent Iowa citizens who, through no fault of their own, have been severely injured. Should not professionals who cause injuries to innocent patients be responsible for their negligent conduct?

#### ADDITIONAL STATEMENTS

##### HONORING STUDENTS FROM WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, from April 30 to May 2, 2005, more than 1,200 students from across the United States will visit Washington, D.C. to take part in the national finals of "We the People: The Citizen and the Constitution," an educational program developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the "We the People" program is funded by the U.S. Department of Education by an act of Congress.

I am proud to announce that, because of their knowledge of the U.S. Constitution, the following students from West Warwick High School from the